

**CITY OF WEST DES MOINES  
PLAN AND ZONING COMMISSION COMMUNICATION**

**Meeting Date:** October 12, 2020

**Item:** Bridgewood, NE and SE corners of 81<sup>st</sup> Street and Bridgewood Boulevard – Amend setback requirements within the Bridgewood PUD – Bridgewood Association, Inc. – ZC-004821-2020

**Requested Action:** Recommend Approval of PUD Amendment

**Case Advisor:** Brian S. Portz, AICP

**Applicant's Request:** The applicant, Bridgewood Association, Inc., which is the Homeowner's Association within Bridgewood that represents the property owners within the development, is requesting approval of a PUD Amendment to reduce setback requirements stated within the Bridgewood Planned Unit Development (PUD) to accommodate the as-built conditions of the units within the development. There are many homes (single family and multifamily) within the development that do not meet the setback requirements as provided in the Bridgewood PUD Ordinance. The intent with this request is to make homes within the development conforming to the setback regulations.

**History:** The property was annexed into the City in December of 1997 as a part of the Bridgewood Annexation. In 1997, the Bridgewood PUD was created for the development of the site, with many subsequent amendments to the PUD. The property was subdivided into several different plats from 1998 through 2002.

**City Council Subcommittee:** This item was presented to the Development and Planning City Council Subcommittee on October 1, 2018 to discuss these setback encroachments. It was determined at that time that these encroachments should be remedied. This item was again presented to the Development and Planning City Council Subcommittee on September 21, 2020 as an informational item only. There was no discussion or disagreement expressed regarding the request.

**Staff Review and Comment:** This request was distributed to other City departments and other agencies for their review and comment. There are no outstanding issues. Staff would summarize the following:

- **Setback Encroachments:** City staff was not able to find building permits for all the dwellings in Bridgewood, but of the permits that were found, they indicated compliance with the setback requirements at the time the building permits were issued. The City does not require as-built surveys to confirm the location of a structure within a lot. It should be understood that identifying boundaries of footprint lots in the real world are extremely difficult as the lot 'floats' within a larger lot of common ground. Many of the encroachments in the rear yards in Bridgewood are decks. Staff believes the problems that are being found within footprint lots can be attributed to a lack of clear guidance in city code for footprint lots (fka postage stamp lots) at the time Bridgewood was developed. From a zoning perspective for footprint lots, at the time of development of these lots, the City generally operated under the mindset that the structure, including decks just needed to fit within the lot. A 2-5' cushion of area around the

home may have been provided to ensure the structure was indeed located within the lot, but the extra was not required per zoning since there was common ground immediately adjacent should a structure happen to cross the footprint lot boundary by mistake. Any building separation necessary due to building and fire codes was handled as part of the building permit. For clarity in application of setbacks and to ensure structures are located within the footprint lot boundary, City Code now includes minimum (7') and maximum (10') distances from the foundation to the footprint lot boundary. Additionally, staff proactively educates the developer during the platting and site planning process to factor in for possible different building footprints, building additions and potential outdoor living areas when determining lot configurations.

Decks (aka attached accessory structure) on detached single-family homes have traditionally fallen under a different setback requirement than does the primary dwelling structure. It is believed that the different setbacks were done to recognize the difference in massing between the home and an open deck or patio, as well as the massing's impact on neighboring properties while allowing people more usable area within their side and rear yards. For example, the primary structure may require a 10' side yard setback, but the deck (attached accessory structure) only a 5' side yard setback. The recent trend to maximize living space by constructing a roof over an existing deck or completely enclosing the deck into a 3 or 4-season room changes the massing of the structure and changes the deck from being considered an attached accessory structure to being viewed as part of the primary structure. Staff is frequently having to tell property owners that they cannot cover or enclose their existing deck as it will not meet the setback required of the primary structure. Staff is discussing better ways to handle setbacks, including having one set of setbacks regardless if it is a house, deck, gazebo, shed, etc. A shift to this approach will allow people to cover or enclose decks in the future compliant with code setback requirements. A request to cover an existing deck is what has triggered the need for this Bridgewood PUD amendment.

- *Plat Restrictions:* According to City's Legal Department, if a plat indicates a setback line on a plat or notes a setback requirement, it is considered a plat restriction. If a plat indicates a setback requirement for a front yard, rear yard or side yard, zoning (code or PUDs) cannot allow a setback less than the setback distance indicated on the plat. To allow a setback smaller than what is shown on a plat would require the re-platting of the subdivision to change the setback information shown to align with the smaller setback allowed. The applicant identified several areas within the Bridgewood subdivision in which existing structures did not comply with the requirements stated in the PUD. Staff reviewed all of the plats to identify those that have setback information (plat restrictions) included on the plat drawing which would require a setback greater than that necessary to accommodate the existing structure. This proposed PUD amendment has been modified to only adjust setback requirements within the PUD for those areas that do not have specifically noted setbacks on the associated final plat that would be greater than the PUD requirement. Because setbacks cannot be reduced for some areas, non-conforming structures will remain. A homeowner of a non-conforming structure will not be able to modify the structure with an addition or cover/enclose a deck since City Code does not allow for the expansion of a non-conformity. Staff from Planning and Legal will continue to research if there is an alternate approach to re-platting to remove plat restrictions. If an option is found, a secondary PUD amendment for the other areas within Bridgewood can be done at that time to remedy the remaining non-conforming structures.
- *Parcels G & O:* Parcels G & O within the Bridgewood PUD area are detached townhomes on footprint lots. The rear yard setback within the PUD is indicated as 25' for the primary structure including decks, but there is no clear indication whether this setback was to be measured from

the perimeter or to the rear line of a footprint lot. In some situations, the decks are as close as 5' to the rear property line of the footprint lots. This amendment proposes to reduce the setback to a 5' rear yard setback as measured from the footprint rear property line; however, due to plat restrictions indicated across some of the properties, only setbacks for certain lots can be adjusted with this request. Specifically, within Parcel G the rear yards of lots 26-53 can be modified and the front yard of lots 1-36 and 41-47 can be modified. Within Parcel O, the rear yards of lots 21-37 can be modified. For all other lots within Parcels G & O, the setbacks can't be modified due to the plat restrictions.

- **Parcels P & Q:** Parcels P & Q within the Bridgewood PUD are attached multi-family homes with multiple buildings on one lot and detached townhomes on footprint lots. The setback encroachments for these existing homes are front yard and rear yard. Front yard setback information is noted on the final plat for these parcels; therefore, no amendments may be made to reduce the front yard setback. The rear yard setback within the PUD is stated at 20' for the primary structure and for decks. Like Parcels G & O, structures are located as close as 5' to the rear property line along the north and to sidewalks internal to these parcels. Setback lines are noted on the final plat on the west and south sides of these parcels. Parcel P & Q amendment proposes a 5' rear yard setback from the internal sidewalks and from the north lot line, but no reduction in rear yards along the west and south.
- **Parcel E:** Parcel E within the Bridgewood PUD are attached townhomes on footprint lots. The setback encroachments for these homes are front yard and rear yard. The plats for Parcel E do not have setback information which would restrict reductions to setbacks. The front yard encroachments are less than 5'. Therefore, the amendment proposes a reduction to a 20' front yard setback with a 15' setback for porches. The rear yard setback requirement currently within the PUD is 20' for the primary structure and for decks. Consistent with the other parcels previously discussed, the structures are as close as 5' to the rear property line of the footprint lot. This amendment proposes a 5' rear yard setback from the lot line to accommodate the decks of some of the units that are currently at that distance from the footprint lot line.

**Comprehensive Plan Consistency:** The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

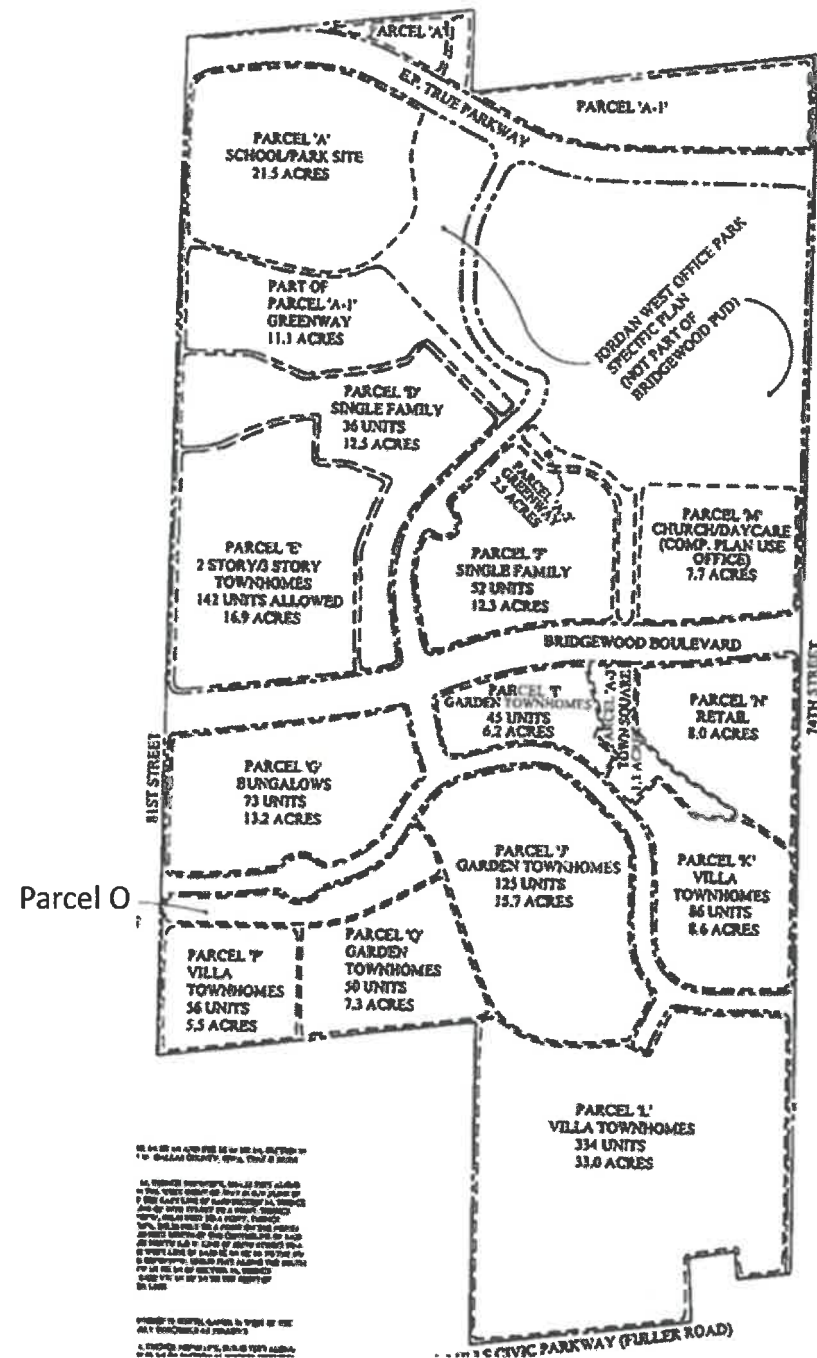
**Noticing Information:** On October 2, 2020, notice for the October 12, 2020, Plan and Zoning Commission and October 19, 2020, City Council Public Hearings on this project was published in the Des Moines Register Community Section. Notice of these public hearings was also mailed to all property owners within the Bridgewood PUD and surrounding property owners within 370 feet of the Bridgewood PUD boundaries on October 1, 2020.

**Staff Recommendation And Conditions Of Approval:** Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the Plan and Zoning Commission adopt a resolution recommending the City Council approve the rezoning request to amend the Bridgewood PUD to modify setback requirements within the Bridgewood PUD, subject to the applicant meeting all City Code requirements.

**Property Owner/Applicant:** Bridgewood Association, Inc.  
5550 Wild Rose Lane, #400  
West Des Moines, IA 50266  
Attn: Jeff Westendorf  
[jeff@west-property.com](mailto:jeff@west-property.com)

**Attachments:**

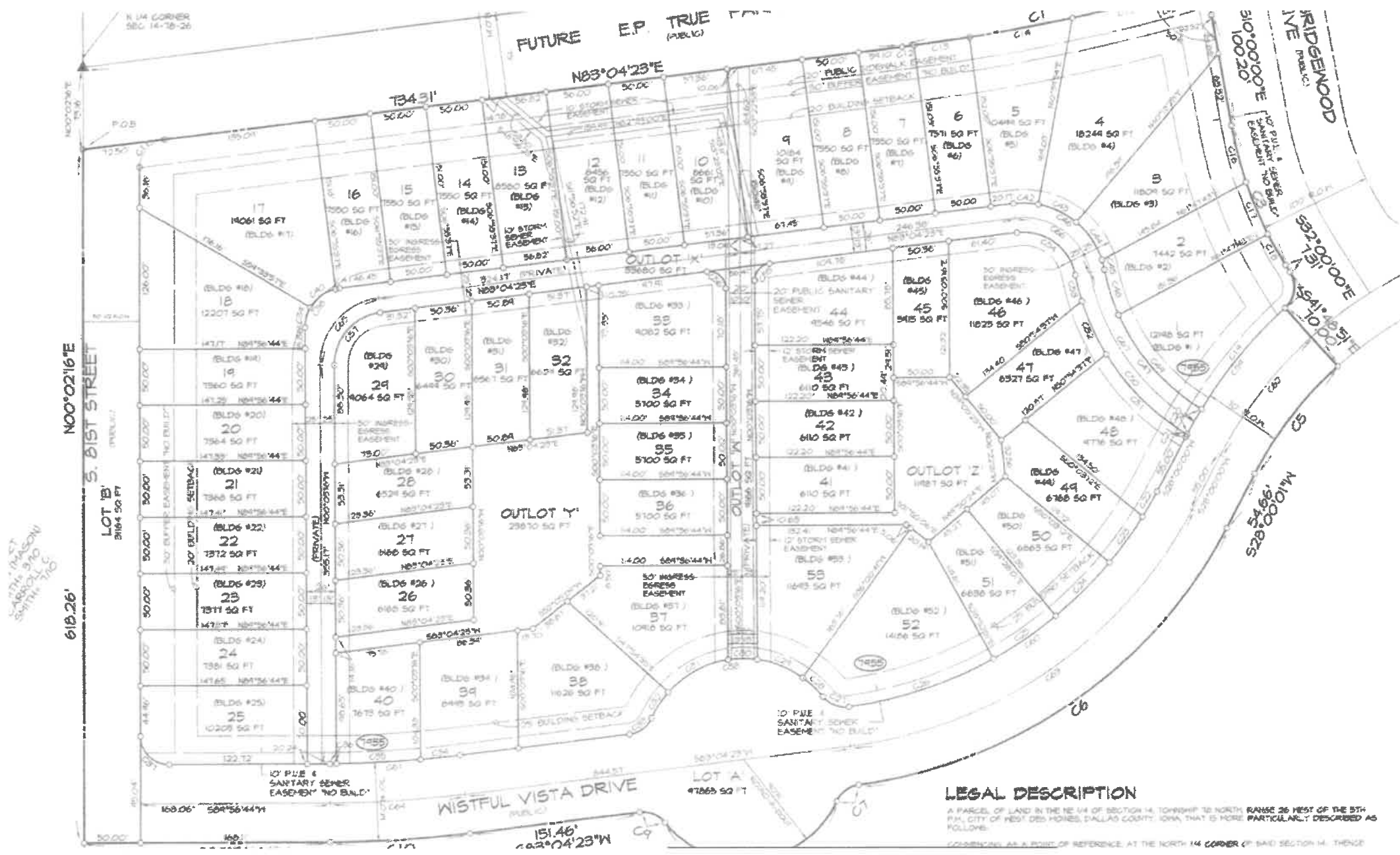
Attachment A -	Location Map - Bridgewood PUD
Attachment B -	Property Surveys
Attachment C -	Plan and Zoning Commission Resolution
Exhibit A -	Conditions of Approval
Attachment D -	Proposed PUD Ordinance Amendment



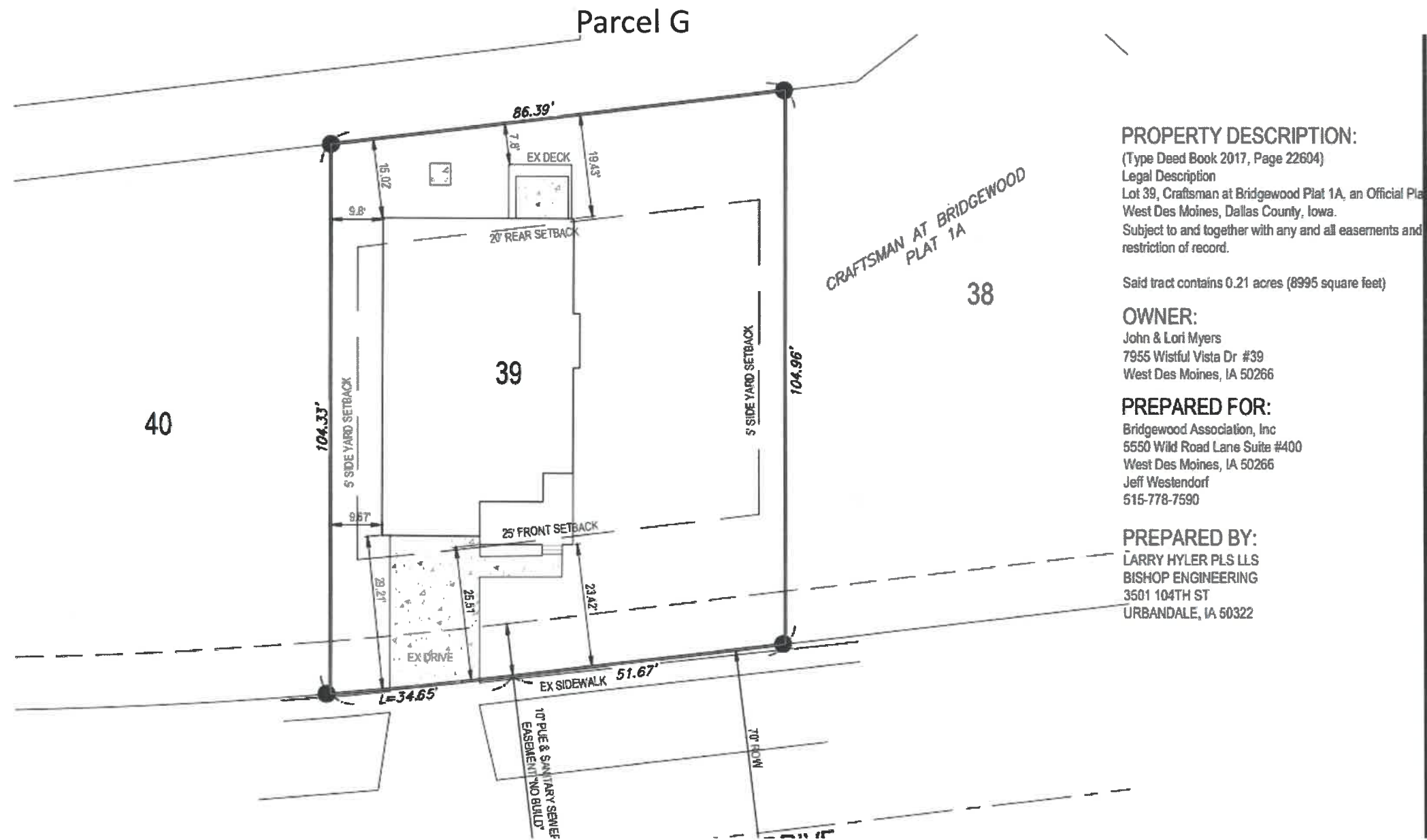
## Proposed Setback Changes

Parcel #	Front Yard	Rear Yard
Parcel G	For Lots 1-36 and 41-47: Change from 25' to 20' for garages and from 20' to 15' for porches	For Lots 26-53: Change from 25' to 5'
Parcel O	No change	For Lots 21-37: Change from 25' to 5'
Parcel P & Q	No change	Change from 25' to 5'
Parcel E	Change from 25' to 20' for garages and from 20' to 15' for porches	Change from 25' to 5'

Parcel G

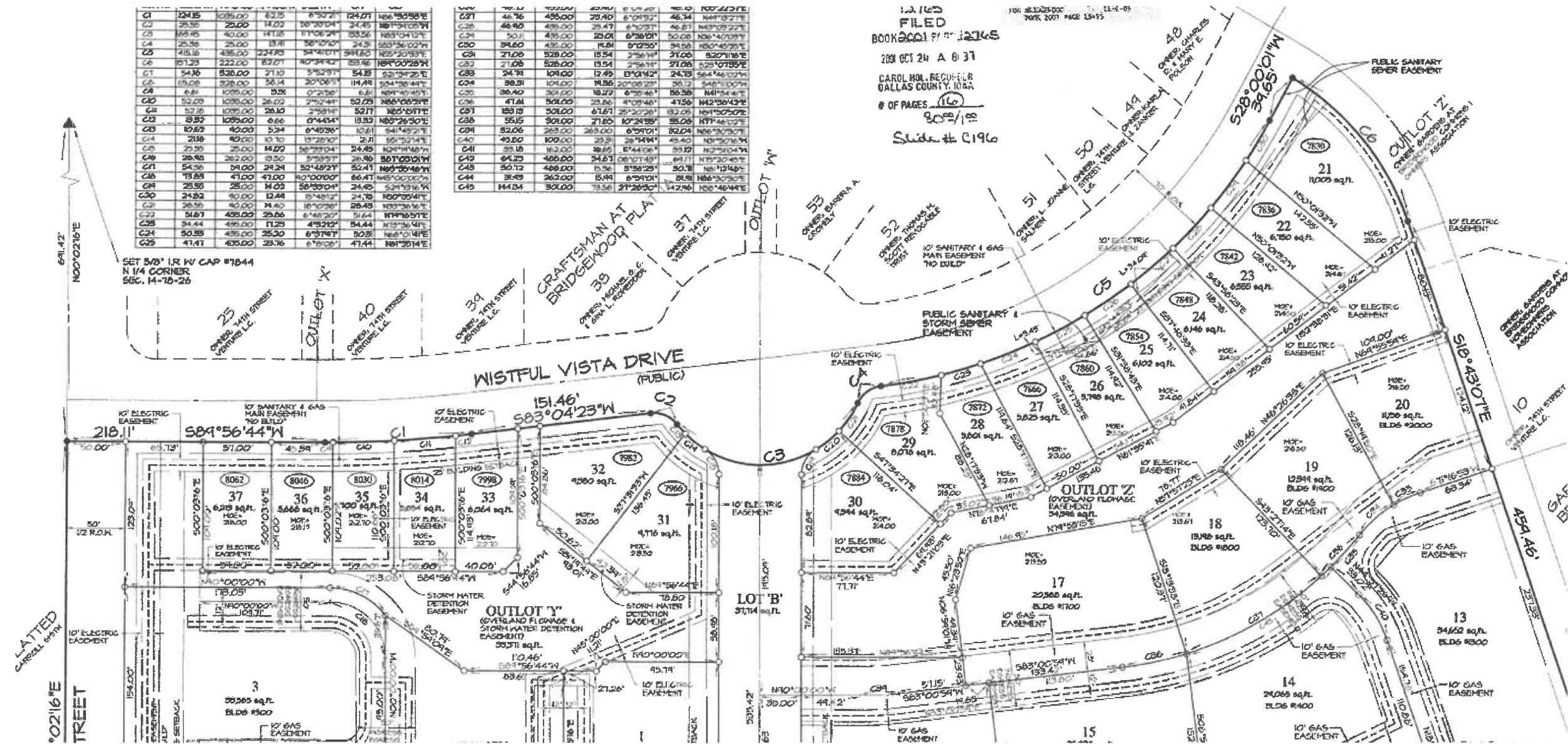


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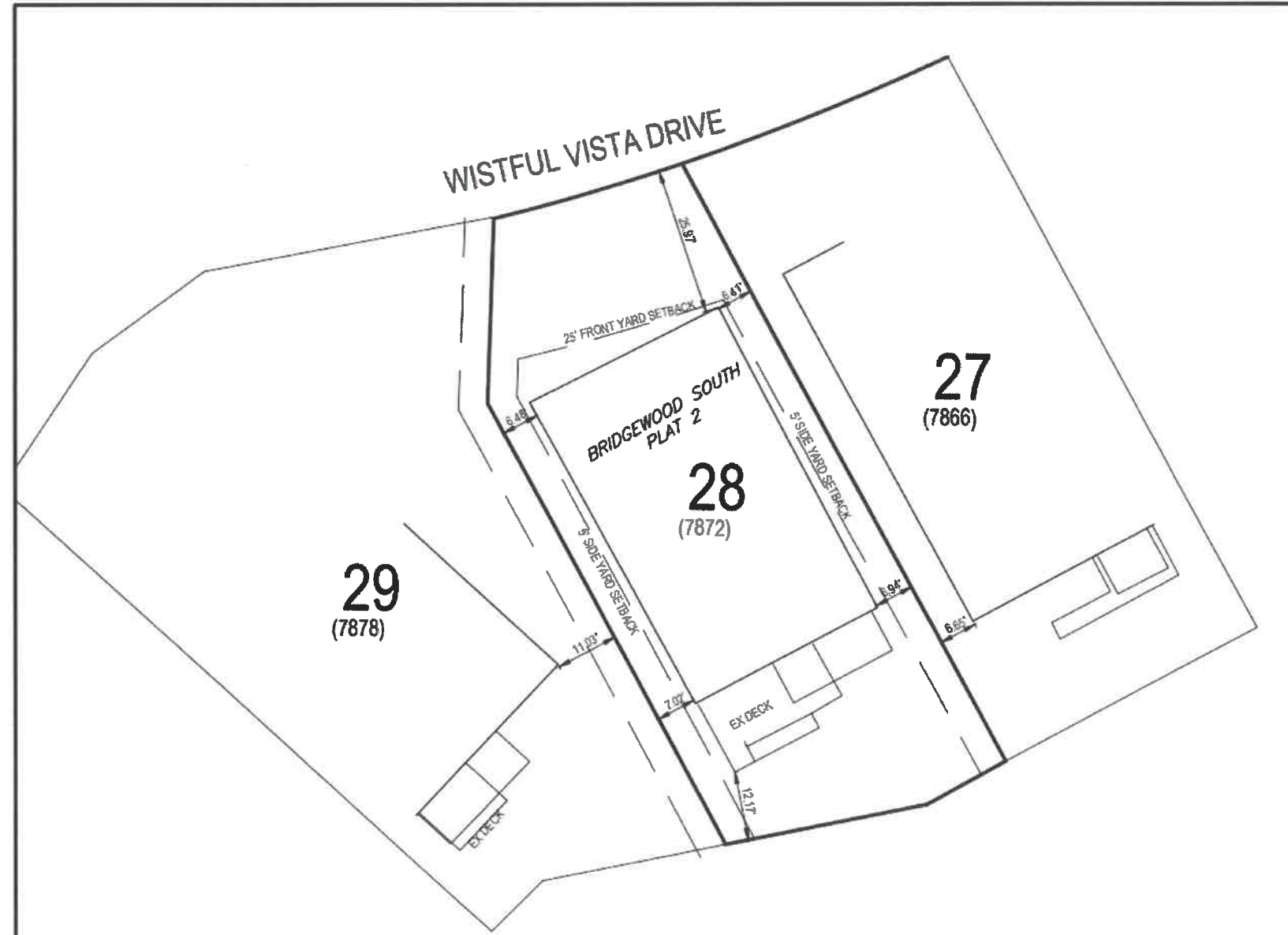


## Parcel O



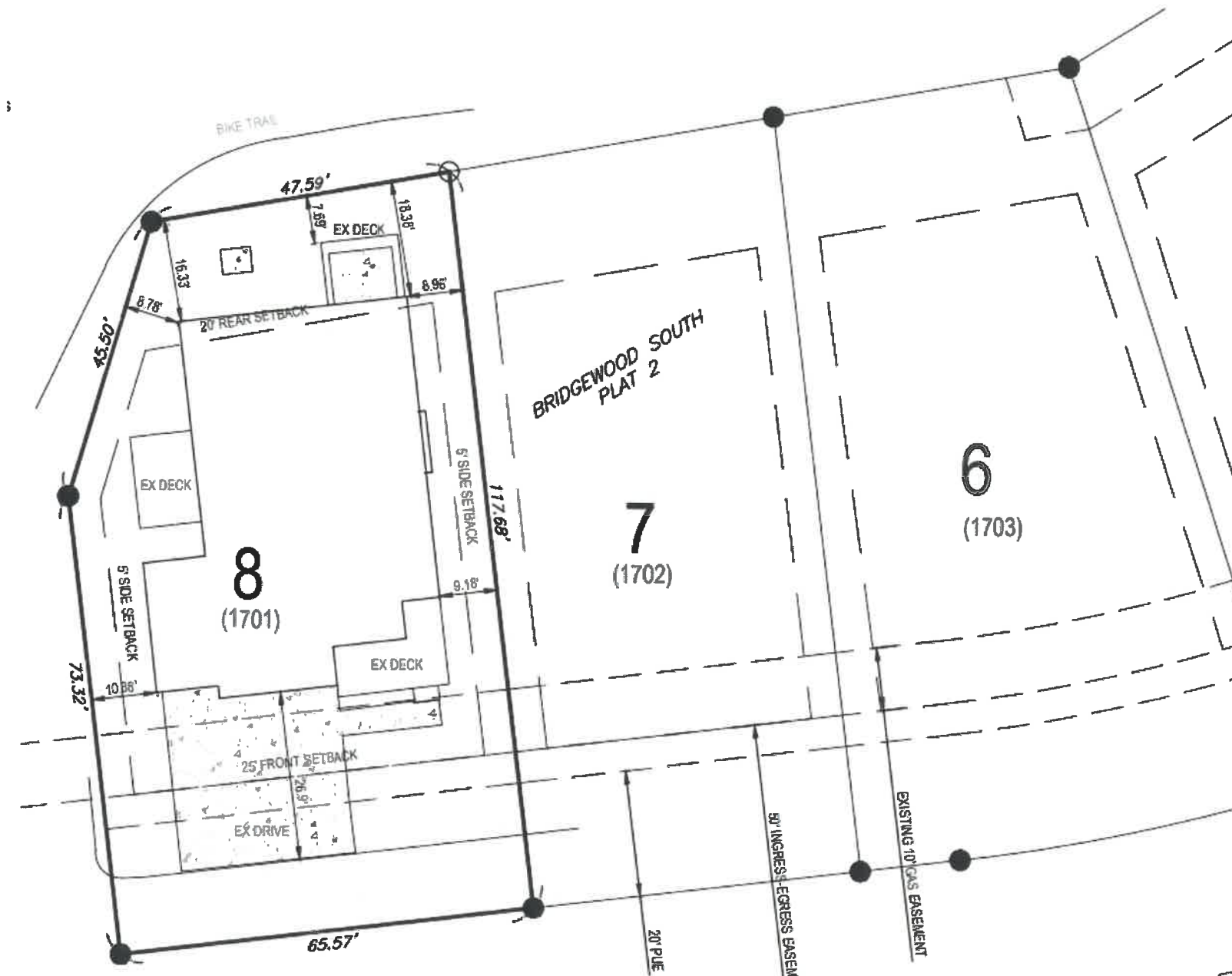


## Parcel O



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# Parcel Q



PROPERTY DESCRIPTION:

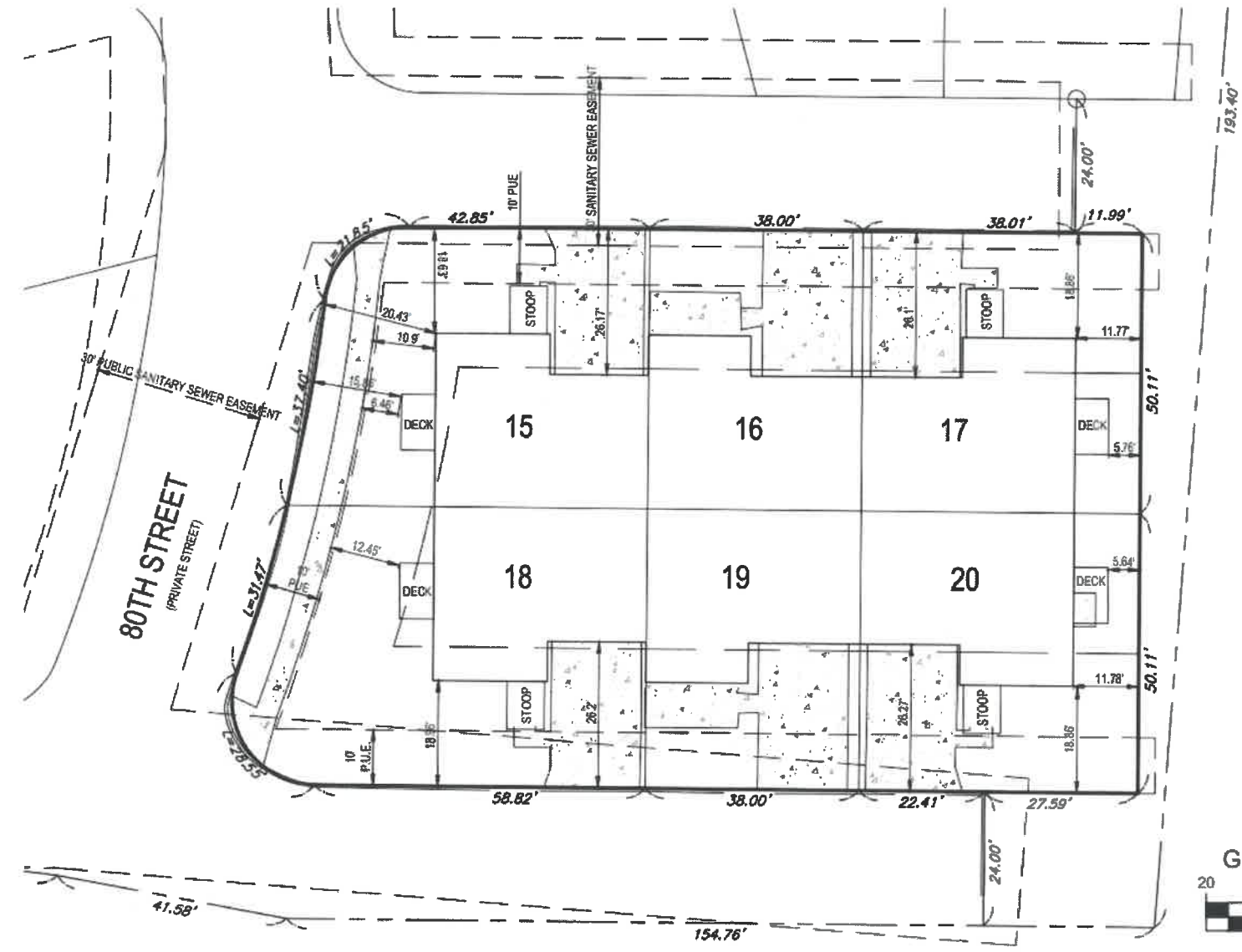
Said tract contains 0.22 acres (9904 square feet)

**Bridgewood Association, Inc**  
5550 Wild Road Lane Suite #400  
West Des Moines, IA 50266  
Jeff Westendorf  
515-778-7590

LARRY HYLER PLS  
BISHOP ENGINEERING  
3501 104TH ST  
URBANDALE, IA 50322



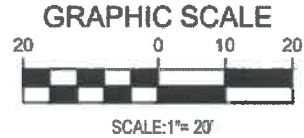
Parcel E



**PROPERTY DESCRIPTION:**  
Lots 15-20, Legacy at Bridgewood North Plat 2, an Ol  
Plat, West Des Moines, Dallas County, Iowa.  
Subject to and together with any and all easements a  
restriction of record.  
  
Said tract contains 0.36 acres (15525 square feet)

**PREPARED FOR:**  
Bridgewood Association, Inc  
5550 Wild Road Lane Suite #400  
West Des Moines, IA 50265  
Jeff Westendorf  
515-778-7590

**PREPARED BY:**  
LARRY HYLER PLS  
BISHOP ENGINEERING  
3501 104TH ST  
URBAN DALE, IA 50322



## RESOLUTION NO. PZC-20-065

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN AMENDMENT TO THE BRIDGEWOOD PUD TO AMEND SETBACK REQUIREMENTS WITHIN THE PUD**

**WHEREAS**, pursuant to the provisions of Title 9 of the West Des Moines Municipal Code, the property owner and applicant, Bridgewood Association, Inc, has requested an amendment to the Bridgewood PUD (ZC-004821-2020) to amend setback requirements within the Bridgewood PUD; and

**WHEREAS**, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference; and

**WHEREAS**, on October 12, 2020, this Commission held a duly-noticed hearing to consider the application for Rezoning Request (ZC-004821-2020).

**NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:**

**SECTION 1.** The findings, for approval, in the staff report, dated October 12, 2020, or as amended orally at the Plan and Zoning Commission hearing of October 12, 2020, are adopted.

**SECTION 2.** REZONING REQUEST (ZC-004821-2020) to amend setback requirements within the Bridgewood PUD is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated October 12, 2020, including conditions added at the Hearing, and attached hereto as Exhibit "A", if any. Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.

**PASSED AND ADOPTED** on October 12, 2020.

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Erica Andersen, Chairperson  
Plan and Zoning Commission

ATTEST:

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Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on October 12, 2020, by the following vote:

AYES:  
NAYS:  
ABSTENTIONS:  
ABSENT:

ATTEST:

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Recording Secretary

**Exhibit A**  
Conditions of approval.

1. No conditions of approval.



Prepared by: B. Portz, Development Services, PO Box 65320, West Des Moines, IA 50265-0320, 515-222-3620  
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2019, AND ORDINANCES #1276, #1322, #1335, #1401, #1438, #1482, #1628, #1748, #1809, #1962, #2198, #2219, #2220, #2331, AND #2361 PERTAINING TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT REGULATIONS AND GUIDELINES, SPECIFICALLY PUD #48 BRIDGEWOOD**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:**

**SECTION 1. AMENDMENT.** Ordinance #1276, #1322, #1335, #1401, #1438, #1482, #1628, #1748, #1809, #1962, #2198, #2219, #2220, #2331, AND #2361, pertaining to the **Bridgewood Planned Unit Development (PUD)**, Section 048-05: *Land Use Design Criteria*; is hereby amended by deleting the highlighted strikethrough text and adding the following bolded italicized text:

- F. 1. Parcels G And O: All general use regulations and provisions set forth in title 9, "Zoning", of the city code for ***the residential*** single-family ~~residential~~ district (RS-5) shall apply to any development proposal for all property within parcels G and O and shall be developed as detached single-family dwelling units as shown on the supplemental sketch plan of the Bridgewood PUD, except as otherwise provided in this ordinance.

The units that are proposed on these parcels have been identified as bungalows on the sketch plan. "Bungalows" are defined as detached townhomes, where each unit is individually owned and the surrounding grounds are maintained by a master property owners' association or similar organization to ensure the continued maintenance of these areas.

a. Density:

Parcel G shall incorporate approximately thirteen (13) acres with a maximum of seventy three (73) dwelling units permitted.

Parcel O shall incorporate approximately four (4) acres with a maximum of twenty five (25) dwelling units permitted.

b. Setbacks:

**Parcel G: Within Parcel G, Lots 1-36 and 41-47** Residential structures and garages shall meet a minimum front yard setback of twenty five feet (25~~20~~<sup>20</sup>) and porches shall meet a minimum front yard setback of ~~twenty~~ fifteen feet (20~~15~~<sup>15</sup>) from the property line for those properties that front on public streets **or curb or sidewalk of private streets, whichever is closer to the dwelling structure.** ~~If the property abuts a private street, the front setbacks for the garage opening shall be twenty five feet (25') from the back of the curb or twenty five feet (25') from the sidewalk, whichever is more restrictive.~~ **For Lots 26-53,** Any residential structure or attached accessory structure shall have a minimum rear setback **as measured to the property line** of ~~twenty five~~ feet (20<sup>5</sup>), **but in no case shall an above grade improvement be closer than.** All residential structures shall have a minimum separation distance of ~~fourteen~~ ten feet (14~~10~~<sup>10</sup>) **between to another** residential structures **as measured to any portion of the structure** the foundation wall, but in no case shall any part of a structure be less than ~~five~~ feet (5') from any property line

**Parcel O: Within Parcel O, for Lots 21-37, any residential structure or attached accessory structure shall have a minimum rear setback as measured to the property line of five feet (5'), but in no case shall an above grade improvement be closer than ten feet (10') to another residential structure as measured to any portion of the structure**

2. Parcels P And Q: All general use regulations and provisions set forth in title 9, "Zoning", of the city code for RM residential medium-density district shall apply to any development proposal for all property within parcels P and Q and shall be developed as single-family attached dwellings as shown on the sketch plan of the Bridgewood PUD, unless noted otherwise in this ordinance.

a. Density:

Parcel P shall incorporate approximately five and one-half (5.5) acres, with a maximum of fifty six (56) dwelling units permitted.

Parcel Q shall incorporate approximately seven (7) acres with a maximum of fifty (50) dwelling units permitted.

No more than twelve (12) dwelling units per building or six (6) dwelling units per side be permitted for any buildings within parcel P or Q.

b. Setbacks: Residential structures and garages shall meet a minimum front yard setback of twenty five feet (25') and porches shall meet a minimum front yard setback of twenty feet (20') from the property line for those properties that front on public streets, **or curb or sidewalk of private streets, whichever is closer to the dwelling structure.** ~~If the property abuts a private street, garages shall meet a front yard setback of twenty five feet (25'), to be measured from the garage opening to the back of a curb or to the back of a sidewalk, whichever is more restrictive.~~ In no case shall any residential structure be located any closer than ~~fifteen~~ five feet (15') from the back of a curb or back of a sidewalk.

Any residential structure or attached accessory structure shall have a minimum rear yard setback of ~~twenty~~ feet (20<sup>5</sup>), **unless the rear yard abuts the south or west property line. In this case the setbacks as shown on the final plat for Parcels P and Q shall**

*prevail. In no case shall an above grade improvement be closer than ten feet (10') to another residential structure as measured to any portion of the structure. All residential structures shall have a minimum separation distance of twenty feet (20') between residential structures measured to the foundation wall, but in no case shall any part of a structure be less than five feet (5') from any property line.*

- J. Parcel E: All general use regulations and provisions set forth in title 9, "Zoning", of the City Code for RM Residential Medium-Density District shall apply to any development proposal for all property within Parcel E and shall be developed as single-family attached dwellings as shown on the sketch plan of the Bridgewood PUD, unless noted otherwise in this ordinance.

1. Density: Parcel E shall incorporate approximately seventeen (17) acres with a density of eight and four tenths (8.4) dwelling units per acre or a maximum of one hundred forty two (142) dwelling units allowed.

No more than ten (10) dwelling units per building or five (5) dwelling units per side will be allowed for any buildings in Parcel E.

*The maximum number of dwelling units specified for Parcel E may be increased by twelve percent (12%), provided that there is an equivalent and corresponding reduction in the aggregate total number of dwelling units allowed for Parcels D and E, such that the aggregate total number of dwelling units for Parcels D and E does not exceed one hundred seventy eight (178).*

*Any shifting of density between Parcels D and E will require an updated traffic study to verify compliance with the traffic study Bridgewood North completed June 11, 2008.*

2. Setbacks: Residential structures and garages shall meet a minimum front yard setback of twenty five feet (~~25~~**20'**) and porches shall meet a minimum front yard setback of ~~twenty fifteen feet (20'15')~~ **fifteen feet (20'15')** from the property line for those properties that front on public streets, **or curb or sidewalk of private streets, whichever is closer to the dwelling structure.** ~~If the property abuts a private street, garages shall meet a front yard setback of twenty five feet (25'), to be measured from the garage opening to the back of a curb or to the back of a sidewalk, whichever is more restrictive. In no case shall any residential structure be located any closer than fifteen~~ **five feet (45')** from the back of a curb or back of a sidewalk.

Any residential structure or attached accessory structure shall have a minimum rear yard setback of ~~twenty~~ **five feet (20'5')** *from its footprint lot, but in no case shall an above grade improvement be closer than ten feet (10') to another residential structure as measured to any portion of the structure.*

*All residential structures shall have a minimum separation distance of twenty feet (20') between residential structures measured to the foundation wall, but in no case shall any part of a structure be less than five feet (5') from any property line.*

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provision of this Ordinance are hereby repealed.

**SECTION 3. SAVINGS CLAUSE.** If any section, provision, sentence, clause, phrase or part of the Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the

validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

**SECTION 4. VIOLATIONS AND PENALTIES.** Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Title 1, Chapter 4, Section 1 of the City Code of the City of West Des Moines, Iowa.

**SECTION 5. OTHER REMEDIES.** In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed and approved by the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Steven K. Gaer, Mayor

**ATTEST:**

\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk

I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk